

Case: 75Cl1:15-cv-00122 Document #: 1 Filed: 11/06/2015 Page 1 of 2

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

LAURA REBECCA BARWICK

NOV 06 2015

PLAINTIFF

VS.

JAN HYLAND DAIGRE, CIRCUIT CLERK

CAUSE NO.

15,0122-CI

WAL-MART STORES, INC.

BY

D.C.

DEFENDANT

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, and files herewith this Complaint against the Defendant, Wal-Mart Stores, Inc., alleging as follows:

1. Complainant, Laura Rebecca Barwick, is an adult resident citizen of Warren County, Mississippi.

2. The Defendant, Wal-Mart Stores, Inc. Is qualified to do business in the State of Mississippi, on whom process may be served by service upon its resident registered agent for process, CT Corporation System, 645 Lakeland Drive East, Suite 101, Flowood, MS 39232.

3. At alltimes herein mentioned, Defendant was engaged in operating and maintaining a retail merchandise and grocery store located on Iowa Boulevard off U.S. Highway 61 South in Vicksburg, Warren County, Mississippi.

4. On November 6, 2012, Plaintiff was a business invitee inside the aforesaid premises. Plaintiff had completed her shopping, checked and paid for the purchased items and walking toward the exit door when she suddenly slipped and fell to the floor, without warning or any fault on the part of Plaintiff.

5. Defendant had a duty to maintain its premises on the date and time of the fall and at the area in which Plaintiff fell, and inn a reasonable sale condition for Plaintiff, its invited customer.

6. Defendant was negligent and violated its duty to Plaintiff in failing to maintain the premises in a reasonably safe condition to exit that caused the Plaitniff to fall; and its failure to

EXHIBIT

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Case: 75Cl1:15-cv-00122 Document #: 1 Filed: 11/06/2015 Page 2 of 2

properly warn Plaintiff of the unsafe condition of a wet, slippery floor that directly and proximately caused Plaintiff to fall injuring herself.

7. As a result of said fall, Plaintiff suffered injuries to her back, hips and legs, which injuries are the direct proximate result of the negligence of the Defendant. As a result of such negligence of the Defendant, Plaintiff has experienced pain and suffering, medical expenses and lost wages and will continue to suffer all of such losses in that the injuries are serious, debilitating and permanent in nature, all as will be accurately shown on at the hearing of this cause.

8. Plaintiff asks that process issue to the Defendant in the time and manner as required by law, demands judgment of and from the Defendant in the total sum that may be within the jurisdictional limits of this Court.

Respectfully submitted this the 6th day of November, 2015.

LAURA REBECCA BARWICK

BY:


WREN C. WAY

OF COUNSEL:

Way, Field & Bodron
1001 Locust Street
Vicksburg, MS 39183
Telephone: 601-634-8968
Facsimile: 601-638-5223
Email: wayfieldbodron@cablelynx.com

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

LAURA REBECCA BARWICK

PLAINTIFF

VS.

CAUSE NO. 15,0122-CI

WAL-MART STORES, INC.

DEFENDANT

ANSWERS TO ADMISSIONS PROPOUNDED TO THE PLAINTIFF
BY DEFENDANT WAL-MART STORES, INC.

COMES NOW Plaintiff, Laura Rebecca Barwick and files herewith her Answers to the Requests for Admission propounded by Defendant.

1. Admit that the value of your claims for damages do not exceed the amount of \$75,000.00.

ANSWER: Denied.

2. Admit that you would not accept any sum greater than \$75,000.00 for any damages even if awarded by a jury.

ANSWER: Denied.

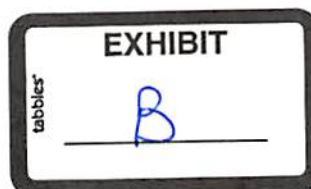
3. Admit that you will never seek to amend the Complaint to seek an amount above \$75,000.00.

ANSWER: Denied.

4. Admit that you will never seek a verdict from any jury hearing this action greater than \$75,000.00.

ANSWER: Denied.

5. Admit that you will not seek a verdict in excess of \$75,000.00 exclusive of interest and cost at the trial of this matter.



ANSWER: Denied.

6. Admit that Wal-Mart was not negligent as alleged in the Complaint in this matter.

ANSWER: Denied.

7. Admit that Wal-Mart is not liable for any injury allegedly sustained by Plaintiff.

ANSWER: Denied.

8. Admit that the negligence of Plaintiff was the sole proximate cause of any injury to Plaintiff.

ANSWER: Denied.

THIS the 26th day of January, 2016.

Respectfully submitted,

LAURA REBECCA BARWICK

BY: Wren C. Way
Wren C. Way (MSB #7006)

OF COUNSEL:

Way, Field & Bodron

1001 Locust Street

Vicksburg, Mississippi 39183

Phone: 601-634-8968

Fax: 601-638-5223

Email: wayfieldhodron@cablelynx.com

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LAURA REBECCA BARWICK

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PLAINTIFF

VS.

JAN HYLAND DAIGRE, CIRCUIT CLERK

CAUSE NO.

15,0122-CI

WAL-MART STORES, INC.

BY

D.C.

DEFENDANT

COMPLAINT

COMES NOW the Plaintiff, by and through counsel, and files herewith this Complaint against the Defendant, Wal-Mart Stores, Inc., alleging as follows:

1. Complainant, Laura Rebecca Barwick, is an adult resident citizen of Warren County, Mississippi.
2. The Defendant, Wal-Mart Stores, Inc. Is qualified to do business in the State of Mississippi, on whom process may be served by service upon its resident registered agent for process, CT Corporation System, 645 Lakeland Drive East, Suite 101, Flowood, MS 39232.
3. At alltimes herein mentioned, Defendant was engaged in operating and maintaining a retail merchandise and grocery store located on Iowa Boulevard off U.S. Highway 61 South in Vicksburg, Warren County, Mississippi.
4. On November 6, 2012, Plaintiff was a business invitee inside the aforesaid premises. Plaintiff had completed her shopping, checked and paid for the purchased items and walking toward the exit door when she suddenly slipped and fell to the floor, without warning or any fault on the part of Plaintiff.
5. Defendant had a duty to maintain its premises on the date and time of the fall and at the area in which Plaintiff fell, and inn a reasonable sale condition for Plaintiff, its invited customer.
6. Defendant was negligent and violated its duty to Plaintiff in failing to maintain the premises in a reasonably safe condition to exit that caused the Plaitniff to fall; and its failure to



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properly warn Plaintiff of the unsafe condition of a wet, slippery floor that directly and proximately caused Plaintiff to fall injuring herself.

7. As a result of said fall, Plaintiff suffered injuries to her back, hips and legs, which injuries are the direct proximate result of the negligence of the Defendant. As a result of such negligence of the Defendant, Plaintiff has experienced pain and suffering, medical expenses and lost wages and will continue to suffer all of such losses in that the injuries are serious, debilitating and permanent in nature, all as will be accurately shown on at the hearing of this cause.

8. Plaintiff asks that process issue to the Defendant in the time and manner as required by law, demands judgment of and from the Defendant in the total sum that may be within the jurisdictional limits of this Court.

Respectfully submitted this the 6th day of November, 2015.

LAURA REBECCA BARWICK

BY:


WREN C. WAY

OF COUNSEL:

Way, Field & Bodron
1001 Locust Street
Vicksburg, MS 39183
Telephone: 601-634-8968
Facsimile: 601-638-5223
Email: wayfieldebodron@cablelynx.com



**Service of Process
Transmittal**

11/24/2015

CT Log Number 528217880

TO: Kim Lundy Service of Process, Legal Support Supervisor
Wal-Mart Stores, Inc.
702 SW 8th St MS 215
Bentonville, AR 72716-6209

RE: Process Served In Mississippi

FOR: Wal-Mart Stores, Inc. (Domestic State: DE)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Barwick Laura Rebecca, Pltf. vs. Wal-Mart Stores, Inc., Dft.

DOCUMENT(S) SERVED: Summons, Complaint

COURT/AGENCY: Warren County Circuit Court, MS
Case # 150122CI

NATURE OF ACTION: Personal Injury - Slip/Trip and Fall - Failure to Maintain Premises in a Safe Condition
- On November 6, 2012 at Iowa Boulevard off U.S. Highway 61 South in Vicksburg,
Warren County, MS

ON WHOM PROCESS WAS SERVED: C T Corporation System, Flowood, MS

DATE AND HOUR OF SERVICE: By Process Server on 11/24/2015 at 10:30

JURISDICTION SERVED : Mississippi

APPEARANCE OR ANSWER DUE: Within 30 days from the date of delivery

ATTORNEY(S) / SENDER(S): Wren C. Way
Way, Field & Bodron
1001 Locust Street
Vicksburg, MS 39183
601-634-8968

ACTION ITEMS: CT has retained the current log, Retain Date: 11/24/2015, Expected Purge Date:
11/29/2015

Image SOP

Email Notification, Kim Lundy Service of Process ctlawsuits@walmartlegal.com

SIGNED: C T Corporation System
ADDRESS: 645 Lakeland East Drive
Suite 101
Flowood, MS 39232
TELEPHONE: 248-646-9033

Case: 75CI1:15-cv-00122 Document #: 2 Filed: 11/06/2015 Page 1 of 1

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

LAURA REBECCA BARWICK

PLAINTIFF

VS.

CAUSE NO.

15, 0122-CI

WAL-MART STORES, INC.

DEFENDANT

SUMMONS

THE STATE OF MISSISSIPPI

TO: Wal-Mart Stores, Inc.
Registered Agent: CT Corporation System
645 Lakeland Drive East
Suite 101
Flowood, MS 39232

NOTICE TO DEFENDANT(S)

THE COMPLAINT WHICH IS ATTACHED TO THIS SUMMONS IS IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand-deliver a copy of a written response to the following attorney for the Plaintiff(s): WREN C. WAY, ESQUIRE, Way, Field & Bodron, 1001 Locust Street, Vicksburg, Mississippi, 39183, (601) 634-8968.

Your response must be mailed or hand-delivered within thirty (30) days from the date of delivery of this Summons and Complaint or a judgment of default will be entered against you for the money or other things demanded in the Complaint.

You must also file the original of your response with the clerk of this court within a reasonable time afterwards.

Issued under my hand and seal of this court this the 6 day of November, 2015.



CIRCUIT CLERK OF WARREN COUNTY,
MISSISSIPPI

BY:

[Signature]

D.C.

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IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

LAURA REBECCA BARWICK

PLAINTIFF

VS.

CAUSE NO. 15,0122-CI

WAL-MART STORES, INC.

DEFENDANT

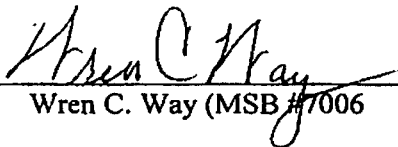
**NOTICE OF SERVICE
OF RESPONSE TO REQUEST FOR ADMISSIONS**

COMES NOW Plaintiff, Laura Rebecca Barwick and files herewith her Response to Request for Admissions filed herein by the Defendant.

THIS the 26th day of January, 2016.

Respectfully submitted,

LAURA REBECCA BARWICK

BY: 
Wren C. Way (MSB #7006)

OF COUNSEL:

Way, Field & Bodron

1001 Locust Street

Vicksburg, Mississippi 39183

Phone: 601-634-8968

Fax: 601-638-5223

Email: wayfieldbodron@cablelynx.com

CERTIFICATE OF SERVICE

I, Wren C. Way, do hereby certify that I have mailed, by U. S. Mail, postage prepaid, a true and correct copy of the above and foregoing to:

Thomas M. Louis and Dorissa S. Smith

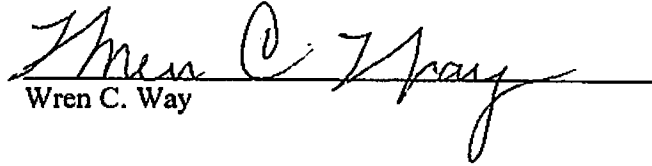
Wells, Marble & Hurst

Post Office Box 131

Jackson, Mississippi 39205-0131

Case: 75CI1:15-cv-00122 Document #: 9 Filed: 01/26/2016 Page 2 of 2

DATED this the 26th day of January, 2016.


Wren C. Way

IN THE CIRCUIT COURT OF WARREN COUNTY, MISSISSIPPI

LAURA REBECCA BARWICK

PLAINTIFF

VS.

CAUSE NO. 15,0122-CI

WAL-MART STORES, INC.

DEFENDANT

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BY DEFENDANT WAL-MART STORES, INC.**

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ANSWER: Denied.

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3. Admit that you will never seek to amend the Complaint to seek an amount above \$75,000.00.

ANSWER: Denied.

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ANSWER: Denied.

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ANSWER: Denied.

8. Admit that the negligence of Plaintiff was the sole proximate cause of any injury to Plaintiff.

ANSWER: Denied.

THIS the 26th day of January, 2016.

Respectfully submitted,

LAURA REBECCA BARWICK

BY: Wren C. Way
Wren C. Way (MSB #7006)

OF COUNSEL:

Way, Field & Bodron

1001 Locust Street

Vicksburg, Mississippi 39183

Phone: 601-634-8968


Fax: 601-638-5223

Email: wayfieldbodron@cablelynx.com

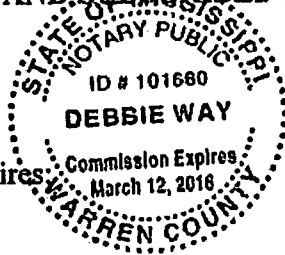
STATE OF MISSISSIPPI
COUNTY OF WARREN

PERSONALLY appeared before me, the undersigned Notary Public in and for the jurisdiction aforesaid, Laura Rebecca Barwick, who, after having been first duly sworn on oath, does hereby state that the matters and things contained in the above and foregoing document are true and correct as therein stated.

This the 26th day of January, 2016.


LAURA REBECCA BARWICK

SWORN TO AND SUBSCRIBED before me this the 26th day of January, 2016.




NOTARY PUBLIC

My Commission Expires March 12, 2018

CERTIFICATE OF SERVICE

I, Wren C. Way, do hereby certify that I have mailed, by U. S. Mail, postage prepaid, a true and correct copy of the above and foregoing to:

Thomas M. Louis and Dorissa S. Smith
Wells, Marble & Hurst
Post Office Box 131
Jackson, Mississippi 39205-0131

DATED this the 26th day of January, 2016.


Wren C. Way